

1 lot of police departments around how to do this.
2 And so, yes, he talked a lot about how he went
3 across the country, provided training, and a lot of
4 it was around teaching police departments the
5 correct way to be able to understand people who have
6 been traumatized because of assault. And there was
7 a lot of discussion around being able to work with
8 people to do that.

9 Q. (BY MS. COLLINS) And, in fact, he
10 suggested that the officers needed to take training
11 on being trauma informed, right?

12 MS. TAYLOR: Object to the form.

13 A. Yes, ma'am.

14 Q. (BY MS. COLLINS) Okay. And as a
15 result of Mr. Daigle's report, the department did
16 that. They changed, I guess, its way of doing
17 business, and some of the officers went through that
18 trauma informed training so that they could talk to
19 victims in a more compassionate way.

20 MS. TAYLOR: Object to the form.

21 A. So there is a thing called POST
22 certification that every police officer is required
23 to get. Some of that includes trauma -- trauma
24 informed training, but we supplemented that. So the
25 department had a budget for training. That training

1 was supplemented by the Commission after this
2 recommendation to the tune of another \$100,000 to
3 supplement that training.

4 Q. (BY MS. COLLINS) Okay. If you
5 could turn to the next page, 139827, and this was
6 also from your discussion, I guess, on 2/15 with
7 Mr. Daigle; is that correct?

8 A. Yes.

9 Q. Okay. And these are some of the
10 recommendations that he made with respect to things
11 that needed to be fixed.

12 Is that a fair summary?

13 MS. TAYLOR: Object to the form.

14 A. Yes.

15 Q. (BY MS. COLLINS) Now, if you could
16 turn to Page 139828, you wrote down at the bottom --
17 it looks like it says, "Chief walking out the door,
18 plans for next chief before we release the report."

19 What is that -- what is that about?
20 What does that refer to?

21 A. By this time, I knew that Chief
22 Turner had planned to retire, and he asked the
23 question of whether -- we were talking about the
24 timing of releasing the report, and he asked the
25 question about what the plans were for the next

1 chief and wanted to know whether or not we wanted to
2 release the report before the chief -- the new chief
3 was hired.

4 Q. Okay. Who made the decision when
5 the report was going to be released?

6 A. Daigle.

7 Q. Okay. Did he make a
8 recommendation, or how did that come about?

9 A. He recommended that -- and I'm
10 trying to recall. There was a lot of conversation
11 around the release of the report. A lot of the
12 meetings from this point forward were requesting
13 where he was on the report, what the timing was of
14 the report, and as we move forward, he talked about
15 different scenarios in which it could be released.

16 Q. Okay. Did you all have anyone with
17 like public relations within the City that also
18 worked on this?

19 A. Yes. The name that you saw before,
20 Keisha Shoun.

21 Q. Okay.

22 A. She is the Director of Public
23 Affairs, and she leads the department of
24 communications and marketing.

25 Q. Okay. Was she involved in that

1 aspect as to when the report would be released to
2 the community?

3 A. Yes, ma'am.

4 Q. Okay. And now, on the next page,
5 139829, you wrote in a box. It says, "Challenging
6 situation, stay with me."

7 What is -- what does that refer to?

8 A. I can't recall.

9 Q. What is IACP? It looks like an I.

10 A. It's an acronym that the police
11 officers will be able to tell you, but I cannot -- I
12 don't know what it stands for.

13 Q. Okay. And you wrote down the
14 words, "loyalty, transparent."

15 What was that about?

16 A. My recollection is that we were
17 talking about what we wanted in the next police
18 chief. We were then moving to the discussion of
19 hiring the next police chief.

20 Q. Okay. Was the current police
21 chief, Chief Turner, not perceived as loyal and
22 transparent?

23 MS. TAYLOR: Objection to form.

24 A. That is not what that meant.

25 Q. (BY MS. COLLINS) Okay. When you

1 write, "Success/ " it looks like, "clients/did not
2 do what he was supposed to do," what does that refer
3 to?

4 A. I don't -- I don't recall.

5 Q. Okay. Now, it looks like the next
6 meeting, based on your calendar entry, is March 8th,
7 2023; is that right?

8 A. Yes, ma'am.

9 Q. Okay. The same people appear to be
10 involved, Sunny, Joy, Keisha, and you.

11 And these are your handwritten
12 notes again?

13 A. Yes, ma'am.

14 Q. Okay. It and looks like this
15 meeting was about the RMS system, correct?

16 MS. TAYLOR: Object to form.

17 Q. (BY MS. COLLINS) Is that right?

18 A. I don't know that the whole meeting
19 was, but this topic of conversation was about the
20 records management system.

21 Q. Okay. And you wrote down, "No
22 system Dropbox, paper files being destroyed."

23 Where -- did Mr. Daigle discuss
24 that paper files were being destroyed?

25 A. I'm sorry. Your question was where

1 did he describe?

2 Q. No. No.

3 Did he discuss that paper files
4 were being destroyed?

5 A. He discussed that in the meeting
6 that we had on January 19th.

7 Q. Okay. And he discussed it again on
8 this date?

9 A. I don't know the context that --
10 whether it was revisiting that conversation, I don't
11 remember.

12 Q. Okay. Do you recall if he
13 discussed what evidence he had that paper files were
14 being destroyed, or had officers just told him that
15 that was their practice?

16 MS. TAYLOR: Object to the form.

17 A. My recollection is that officers
18 had told him that.

19 Q. (BY MS. COLLINS) If you could, turn
20 to the next page.

21 A. So we're on 0139832?

22 Q. 139832, yes.

23 If you could, go to the bottom of
24 the page. You write, "In interviewing folks with
25 department," and then down below that you write,

1 "lawsuit different than audit."

2 What did you mean by that?

3 MR. RADER: Which page are you
4 reading from?

5 MS. COLLINS: 139832.

6 MR. RADER: Thank you.

7 A. Can you refer me back to which
8 section you're talking about?

9 Q. (BY MS. COLLINS) Down at the bottom
10 of the page.

11 Do you see where I've highlighted
12 it?

13 A. Oh, I'm sorry.

14 Q. Right there at the bottom of the
15 page.

16 A. "In interviewing folks in
17 department, lawsuit different than audit."

18 Q. What do you mean lawsuit different
19 than audit?

20 A. I don't recall.

21 Q. Okay. And down below that it looks
22 like you wrote the word, "Damaging."

23 Is that what that word is?

24 A. It looks like that to me.

25 Q. Okay. You wrote, "Damaging, did

1 not/IA affairs, that the officers did not do what."

2 Is that what that says?

3 A. It appears to read that way.

4 Q. Okay. So is it fair to say that
5 Mr. Daigle discussed that it was damaging that there
6 was not an internal affairs investigation into what
7 the officers did not do?

8 MS. TAYLOR: Object to the form.

9 A. I don't recall the context around
10 that sentence at all.

11 Q. (BY MS. COLLINS) Okay. But
12 Mr. Daigle did discuss with you and other people on
13 that phone call that something was damaging with
14 respect to an IA investigation.

15 MS. TAYLOR: Object to the form.

16 A. I do not recall that being the
17 case.

18 Q. (BY MS. COLLINS) Okay. What do you
19 recall about this then?

20 A. I don't recall the -- if you read
21 me the question again.

22 Q. Well, you can read what you wrote
23 in your own handwriting.

24 A. Yeah. I don't recall that he ever
25 said that there was a problem with internal affairs

1 that had been completed.

2 Q. Okay?

3 A. I never recall any words about any
4 internal affairs that had been completed and there
5 being any problem with them.

6 Q. Okay. What did you mean by what
7 you wrote here, "Damaging, did not/IA affairs, that
8 the officers did not," not do what? What did you
9 mean by that?

10 MS. TAYLOR: Object to the form.

11 A. I don't recall.

12 Q. (BY MS. COLLINS) Was there a
13 discussion on this phone call about internal
14 affairs?

15 A. I would assume so, since I wrote
16 internal affairs.

17 Q. Okay. But you just don't know what
18 it was about.

19 A. The only --

20 MS. TAYLOR: Object to the form.

21 A. The only conversation we had about
22 internal affairs is that -- that's in the report,
23 that he felt like a lawsuit was a complaint and that
24 an internal affairs should be opened when there was
25 a lawsuit. That is my only recollection of him

1 talking about internal affairs.

2 Q. Okay. If you could turn to the
3 next page, 139833, you wrote -- it appears that you
4 wrote, and you put a box around it at the top of the
5 page, "Should have done an IA," correct?

6 A. Uh-huh.

7 Q. So it's -- so Mr. Daigle stated
8 that you should have done an internal affairs
9 investigation.

10 A. That it was his opinion that when a
11 lawsuit was filed, that that was the same as a
12 complaint, and that an internal affair -- and again,
13 I'm not going to know the terminology, should be
14 opened, and that is written in his report.

15 Q. Okay. And where you write down,
16 "Pattern and practice Monell," what does that refer
17 to?

18 A. I don't recall.

19 Q. Do you know what Monell refers to?

20 A. No, I do not.

21 Q. Do you know that that's a legal
22 standard for a plaintiff to demonstrate a claim
23 against a municipality for a constitutional
24 violation?

25 MS. TAYLOR: Object to the form.

1 A. I did not know that at the time.

2 Q. (BY MS. COLLINS) Do you know it
3 now?

4 A. You just said it.

5 Q. Okay. So when he -- when you wrote
6 down, "Pattern and practice/Monell," did you ask him
7 what he meant by that?

8 A. I don't recall asking him what he
9 meant by that.

10 Q. Okay. And down below that you
11 wrote -- it looks like you wrote, "Biggest challenge
12 not doing IA."

13 Is that what that says?

14 A. Yes, ma'am.

15 Q. Okay. Does that challenge still
16 exist? You haven't done an IA with respect to the
17 claims in this litigation.

18 MS. TAYLOR: Object to the form.

19 A. We've opened up investigations on
20 all of the officers named in the lawsuit pending the
21 outcome of the civil lawsuit.

22 Q. (BY MS. COLLINS) Okay. So you've
23 opened them. And I think earlier the words you used
24 was you put them in abeyance.

25 A. Yes, ma'am.

1 Q. Who made the decision to move
2 Officer Hilton to internal affairs?

3 A. That was a joint decision by the
4 command staff and myself.

5 Oh, excuse me. What -- can you ask
6 that question again? I was thinking of a different
7 person.

8 Q. Okay. Who made the decision?

9 A. The person who was in that role was
10 put into an interim role of major of operations,
11 following the deputy chief's retirement. So there
12 was a number of moves on the -- in the interim that
13 were made. So the internal affairs was being done
14 by Scott Jenkins. Scott Jenkins moved into Interim
15 Mayor, and then there was a recommendation on the
16 part of the command staff to move Officer Hilton
17 into IA, internal affairs.

18 Q. Okay. Who in command staff made
19 that decision?

20 A. There were recommendations by all
21 of the members of the command staff, which include
22 the chief, the deputy chief, the two majors, and
23 myself.

24 Q. When was that?

25 A. On or around March, April 2023.

1 Q. Okay. Was it after this phone call
2 on March 8th?

3 A. I can't recall.

4 Q. And if you could turn to
5 Page 139835, at the top of the page you wrote,
6 "D.A.'s office is not at" -- does that say fault or
7 fail?

8 A. I can't read it.

9 Q. Okay. And you wrote, "Scorched
10 earth."

11 What does that refer to?

12 A. I can't remember.

13 Q. Okay. And it looks like you had a
14 meeting on April 25th, if you could turn to the next
15 page, 139836, with Eric Daigle on that day,
16 April 25th; is that correct?

17 A. Yes.

18 Q. Okay. And on the next page -- or
19 the next couple pages you have meeting notes. The
20 first you have 4/24/23 on them. The next couple of
21 pages have 4/25.

22 Are all of these notes from 4/25?

23 A. I don't recall.

24 Q. Okay. If you could turn to
25 Page 139838, and you drew a diagram.

1 What is this from?

2 A. This is from a diagram that
3 Mr. Daigle showed us and said would be contained in
4 the report.

5 Q. Okay. And down on that page, you
6 have it starred, and it says, "Failed in all three."

7 Is that something that Mr. Daigle
8 said that you failed -- that the Johnson City Police
9 Department failed in all three?

10 A. That's my recollection.

11 Q. And that refers to policy,
12 training, and supervision.

13 It was his opinion that the Johnson
14 City Police Department failed in those three areas?

15 MS. TAYLOR: Object to the form.

16 A. That's what I recall.

17 Q. (BY MS. COLLINS) Okay. If you
18 could turn to 139839, these are your notes from the
19 meeting on 4/25/23.

20 A. Yes, ma'am.

21 Q. It looks like you wrote, "Record,"
22 out to the side under department policy.

23 What does that refer to?

24 A. I can't recall.

25 Q. Is that record?

1 A. I can't recall.

2 Q. For operational it lists lack of
3 something in record keeping.

4 Do you know what that says?

5 A. I don't.

6 Q. Okay. And did he say that, again,
7 the case files are a disaster, where you wrote that
8 down?

9 MS. TAYLOR: Object to the form.

10 A. That's correct.

11 Q. (BY MS. COLLINS) And down below it
12 says, "Attorney has more than we do, unless for
13 patrol, complicated, investigate."

14 What does that mean?

15 A. He was giving a situation that
16 could occur. He was talking about, in some cases,
17 you may have attorneys that actually have more than
18 we do at that point in time. He was giving a
19 hypothetical.

20 Q. Okay. Where there is a notation to
21 Watson, do you recall what that is?

22 A. Watson is the name of the computer
23 system that we use -- we use now for everything,
24 because since -- since then we have converted all of
25 our -- all of our records to the same filing system,

1 and the name of that filing system is Watson.

2 Q. Okay. Now, down below that you
3 also wrote, "All departments share information," and
4 you write, quote, "Ted Bundy."

5 What is that about?

6 A. I don't recall.

7 Q. Okay. And then down below that you
8 starred, "Policies," and then you circled, "D.A. not
9 innocent."

10 What is that about?

11 A. He was speaking to the fact that
12 the prior D.A., by not providing protocol, was not
13 innocent in all of this.

14 Q. Okay. And on the next page,
15 139840, you wrote, "Policy/criminal investigation,
16 rape crisis policy."

17 What is that next word? Sub
18 something.

19 Supervisor, is that what that word
20 is?

21 A. It looks like it to me.

22 Q. "Supervisor cannot discipline
23 unless it is written down."

24 Does that mean that there were not
25 written policies in some instances where there

1 needed to be written policies?

2 MS. TAYLOR: Object to the form.

3 A. I don't remember what he was
4 speaking to.

5 Q. (BY MS. COLLINS) And you had
6 training with a box around it, and it looks like you
7 wrote, "Sexual assault for patrol."

8 Had it been a practice that the
9 Johnson City Police Department did not train patrol
10 on sexual assault cases?

11 MS. TAYLOR: Object to the form.

12 A. Can you ask the question again?

13 Q. (BY MS. COLLINS) Sure.

14 You noted that with respect to
15 training -- do you see that on the page?

16 A. I do.

17 Q. And you wrote, "Sexual assault for
18 patrol."

19 Do you agree that that's what that
20 says?

21 A. Yeah.

22 Q. Okay. What did you mean by that?

23 A. He was educating me that the
24 training starts all the way from -- not just from
25 the investigative side, but that training needed to

1 be done. So a lot of the conversation was around
2 him being a teacher, and we were learning. So he
3 was -- he was explaining training to me that when
4 you do this training, it needs to -- we need to make
5 sure that we include how the first contact is made
6 with the victim. And so it begins with making sure
7 that we're also including, in the training that
8 we're doing, our patrol officers.

9 Q. Okay. Prior to Mr. Daigle
10 examining the policies and practices of the police
11 department, had patrol officers been trained in
12 sexual assault, how to handle sexual assault?

13 A. I mentioned earlier there's POST
14 certification requirements of 40 hours, and that is
15 for all police officers. And my understanding is
16 that includes sexual assault training.

17 Q. Okay. Do you know how much of the
18 POST certification includes sexual assault training?

19 A. I don't.

20 Q. Going down below that, it looks
21 like you wrote, "Bias in investigation."

22 What does that refer to?

23 A. Where? I'm sorry.

24 He was talking about best practices
25 and he -- I remember he was saying that the process

1 is that you go find the evidence. So I specifically
2 remember go find the evidence, that there's the
3 requirement that the officer go find the evidence.

4 Q. And down at the bottom of the page,
5 what does that say, those last two lines on the
6 page?

7 A. "Investigator, control bias, go
8 find evidence."

9 Is that what you're referring to?

10 Q. Yeah. I just can't tell what that
11 says. It looks like it starts off saying
12 investigator, and I can't really read the rest.

13 A. I can read words, but I can't put
14 them together in a sentence.

15 Q. Okay. What is the second word? Is
16 that, "Control bias," or what?

17 A. "Control/bias," or, "control bias."

18 Q. Okay. And then below that it says,
19 "Truth is" --

20 A. I don't know what that word says.

21 Q. And then beside that it says,
22 "Bias, something off page."

23 Does that look right?

24 A. The "bias" and "off page", I can
25 read that. I can't read the word in between.

1 Q. Okay. And below that it looks like
2 you have an acronym TPRM; is that right?

3 A. Yes, but I don't know if it's TPRN
4 or TPRM, but I can't recall what that means.

5 Q. Okay. And then it looks like he
6 goes through the different points, starting on
7 Page 139841, that are contained in his report, the
8 bullet points.

9 The first one on the bottom of that
10 page is, "Limited investigation, always" -- it looks
11 like, "always," what, "of the victim"?

12 A. Where are -- where are you?

13 Q. 139841 at the bottom of the page.

14 A. I can't tell if the word says
15 credible or critical. Credible of victim.

16 Q. And then did you write out, "Crime
17 scene first, search warrant"?

18 A. Yes. That looks like crime scene.
19 And I can't read that word. Crime -- I can't read
20 scene --

21 Q. Okay.

22 A. -- actually.

23 Q. And if you turn to the next page,
24 does the first sentence say, "Underage, state blames
25 victim"?

1 A. No.

2 Q. What does it say?

3 A. Becomes. He was educating me about
4 what happens in different cases, and he said the
5 state becomes the victim.

6 Q. Okay. And the rest of this looks
7 like what's contained in his report.

8 No. 2 is victim interviews, and it
9 talks about the soft interview rooms; is that right?

10 A. Yes.

11 Q. Okay. And turning to the last page
12 of the document it says, "Redo policy, statute of
13 limitations, federal."

14 What is that referring to?

15 A. Can you show me where you're at?

16 Q. I'm on the last page of the
17 document.

18 MS. TAYLOR: Bate stamp

19 No. 0139844.

20 A. What was your question?

21 Q. (BY MS. COLLINS) What does that
22 refer to?

23 A. "Redo policy, statute of
24 limitations, federal." I don't recall.

25 Q. Now, going back to the Daigle

1 report, and this was Exhibit No. 56, are there any
2 recommendations in here that Johnson City disagreed
3 with or did not follow?

4 MS. TAYLOR: Object to the form.

5 A. Yeah, I would have to break that
6 down. You've asked me two questions. One is what
7 we disagreed with; one is what we did not follow.

8 I don't think we ever sat down and
9 said -- and had a conversation with our command
10 staff to be able to have a discussion back and forth
11 with Daigle.

12 What we did is we set out to
13 improve the department, to be able to show them the
14 report and to show them how we would make
15 recommendations to improve the Johnson City Police
16 Department.

17 Q. (BY MS. COLLINS) Okay.

18 A. So when you say we disagree with, I
19 don't think we ever had the discussion about
20 disagreeing with him. I think the one that we
21 said -- and again, I think I'm moving into a
22 situation where I had communications with
23 attorney/client privilege protected around handling
24 internal investigations.

25 Q. Okay. So he issued a finding on

1 Page 14 of his report that sexual assault
2 investigations conducted by the JCPD have material
3 deficiencies and can hinder the ability to collect
4 necessary evidence for a complete and accurate
5 investigation.

6 MS. TAYLOR: Is that a question?

7 Q. (BY MS. COLLINS) Did you take steps
8 to address that? Did the City take steps to address
9 that finding?

10 A. We did not debate what he wrote and
11 found. What we did is lay out a plan moving forward
12 of providing training that would address any of
13 these issues that any of the citizens would read.
14 But we did not go back and forth with him on
15 challenging anything that he put in writing. What
16 we did was lay out a plan of things that we could do
17 to move forward to improve the department.

18 MS. COLLINS: Okay. I'm going to
19 provide you another document we're going to
20 mark as Exhibit No. 58.

21 All right. Ready?

22 (Exhibit 58 marked).

23 MS. COLLINS: Sorry. I've tried to
24 warn you.

25 MR. RADER: You gave me sufficient

1 warning.

2 Q. (BY MS. COLLINS) Here you go.

3 A. Oh, thank you.

4 MS. COLLINS: All right. And there
5 were Bates numbers, I think, on this but I
6 didn't print it correctly. So sorry.

7 MR. RADER: I don't know.
8 Elizabeth made me redo it when I did that
9 during the last deposition.

10 MS. TAYLOR: Do you want me to grab
11 my Bate stamped copy? Well, I'm going to
12 grab my Bate stamped copy so we can at least
13 note the Bate stamps on the record.

14 MS. COLLINS: Yeah, let's go off
15 the record.

16 VIDEOGRAPHER: Off the record at
17 4:04.

18 (Off the record at 4:04 p.m.)

19 (On the record at 4:06 p.m.)

20 VIDEOGRAPHER: We're back on the
21 record at 4:06.

22 BY MS. COLLINS:

23 Q. Okay. Now, if you could turn to
24 Page 4 of the Exhibit No. 58.

25 MR. LAKEY: Can we just on the

1 record not the -- not the -- not as you go
2 through it, but just the whole range for the
3 record.

4 MS. TAYLOR: So the document that
5 the witness is looking at is Ball 1 through
6 Ball 46.

7 Q. (BY MS. COLLINS) Okay. If you
8 could turn to Page 4 of the document, this looks
9 like a note from 6/2/22, and you write Scott Pratt
10 and then you have three names below that.

11 What is this in reference to?

12 A. The first, Scott Pratt, I don't
13 recall. So I don't know who Scott Pratt is right
14 now. I can't recall that name. The other three, I
15 was in a meeting with Chief Turner, and he was
16 providing me with a list of the assessment of who
17 would -- assessment of major of operations. And so
18 he was providing me with a list of three names of
19 people who tested for major of operations at that
20 time period.

21 Q. Okay.

22 A. And the date, just to make sure
23 we're correct, is June 2nd, 2022.

24 Q. Okay. And you have an arrow
25 pointing under Kevin Peters' name.

1 And does that say bully?

2 A. It does.

3 Q. Okay. What does that refer to?

4 A. In my conversations with Chief
5 Turner, when we were looking at the three, that was
6 the order that they scored in. And so I had listed
7 the order that they scored in. So we were having a
8 discussion about what those three candidates. And
9 under civil service guidelines, any of the top five
10 can be promoted. So he and I were talking about
11 those three candidates, and I feel like I recall
12 saying, "I've heard people say that Kevin Peters can
13 be a bully."

14 Q. Okay. And on -- if you could turn
15 to Page 9 of your document, this looks like a note
16 from 7/26/22.

17 This is a note about 42 U.S.C., and
18 you wrote, "1933, municipal liability," and you
19 wrote, "Monell liability policy, pattern, and
20 practice."

21 Do you recall what that's about?

22 A. I'm trying to think of the time
23 frame. I don't know if, before this, I have the
24 meeting that I was in.

25 Oh, I recall. So when we were in

1 the process and I had recommended that we bring in
2 an outside independent party to be able to help with
3 continuous process improvement within the department
4 and to address the concerns that the public had at
5 that point in time, on this day we did a
6 meet-and-greet via Zoom or Meets with Daigle. And
7 so he's telling us about his experience and things
8 that he's worked on and things that he's been
9 involved in.

10 So this is the first time that I
11 met him via Zoom. And so I -- while I can't go
12 through here, I know the intent of this whole
13 meeting was for him to talk about the work that he
14 had done, what he had worked in, how long -- he was
15 really telling us his credentials in this meeting.

16 Q. Okay. And the rest of just
17 flipping through the next couple pages, all this is
18 your handwriting from meetings, correct?

19 A. What are you asking me?

20 Q. This -- this whole document is your
21 handwriting, correct?

22 A. Yes, ma'am.

23 Q. If you could turn to Page 30 --
24 well, it starts on Page 29. This looks to be from
25 September -- or July 10th, 2023.

1 And you wrote, "Bias, gender bias
2 is not interviewing suspects, not gathering
3 evidence, shredding evidence, record keeping,
4 training."

5 And then on the next page it looks
6 like you wrote, "Reasons for cases, Turner was
7 Chief, corruption, Sparks, Jenkins."

8 What does that refer to?

9 A. I was reviewing the report that had
10 come in that day. That was the day we received the
11 report from Daigle, and so I was looking through
12 that report and taking notes.

13 Q. Did Daigle specifically mention
14 corruption and Sparks and Jenkins?

15 MS. TAYLOR: Object to the form.

16 A. No. That was from the lawsuit that
17 had been filed.

18 Q. (BY MS. COLLINS) Okay. So did you
19 talk with Daigle on September 10th, 2023 --
20 July 10th, 2023 about Sparks and Jenkins and
21 corruption?

22 A. No, ma'am.

23 Q. Okay. Why did you write that down?

24 A. I was making notes of information
25 that had come from both the lawsuit and from the

1 report.

2 Q. Okay.

3 A. Sorry.

4 But I was -- I was just taking
5 notes for my own purpose.

6 MS. COLLINS: Okay. I'm going to
7 mark this next document as Exhibit 59.

8 (Exhibit 59 marked).

9 Q. (BY MS. COLLINS) Was the Daigle
10 audit report issued to the community?

11 A. I'm sorry. I just blanked a little
12 bit. Was --

13 Q. It's okay.

14 Was the Daigle audit report issued
15 to the community?

16 MS. TAYLOR: Object to the form.

17 A. I wouldn't say issued. It was
18 provided.

19 Q. (BY MS. COLLINS) Okay. And who
20 drafted this?

21 A. Communications, our Public Affairs
22 Director Keisha Shoun.

23 Q. Okay. And it listed the eight main
24 findings of the report, correct?

25 A. Yes, ma'am.

1 Q. And it has a quote from you that
2 you wanted, "to acknowledge that victims of sexual
3 assault have not always received the best possible
4 treatment and care from our police department. The
5 department's new leadership is dedicated to continue
6 changes toward compassionate and effective service,
7 so that all citizens know they are safe and
8 protected."

9 Was that a statement that you made
10 at this point in time on July 18th, 2023?

11 MS. TAYLOR: Object to the form.

12 A. Yeah. Will you read the statement
13 again, ma'am? And maybe if you could say the
14 question -- it sounded like you asked two different
15 questions to me.

16 Q. (BY MS. COLLINS) In the third
17 paragraph, do you see it?

18 A. Yes.

19 Q. Okay. It's got a quote that's
20 attributed to you.

21 Did you make that statement?

22 A. I reviewed the statement and made
23 it in conjunction with our staff.

24 Q. Okay. So you acknowledge that
25 victims of sexual assault have not always received

1 the best possible treatment and care from the police
2 department, right?

3 A. Yes.

4 MS. COLLINS: Okay. I'll mark the
5 next document as Exhibit No. 60.

6 (Exhibit 60 marked).

7 MS. TAYLOR: I don't think we got
8 60.

9 Oh, he has it. Okay. Sorry. I
10 didn't know that he had it.

11 Q. (BY MS. COLLINS) Ms. Ball, it looks
12 like you sent an email saying that the press
13 coverage of Sean Williams' case has not been fair
14 and thorough with respect to its representation of
15 the police department.

16 What was not fair or thorough about
17 it?

18 MS. TAYLOR: Do you have a copy of
19 the reference to the attached letter to
20 WJHL?

21 MS. COLLINS: I'll mark the next
22 document as Exhibit No. 61, and this is --
23 starts at CITY-73636.

24 MR. RADER: Thank you.

25 What number?

1 MS. COLLINS: Exhibit No. 61.

2 (Exhibit 61 marked).

3 Q. (BY MS. COLLINS) So do you see the
4 letter?

5 A. Uh-huh.

6 Q. All right. So what about what WJHL
7 was reporting was not a fair and thorough
8 representation of the police department?

9 A. They reported that the files, the
10 video files that had been found regarding -- in Sean
11 Williams' possession were in the City of Johnson
12 City's position following [REDACTED] fall from
13 the window, and that that was the documents that
14 were retrieved when, in fact, the documents and the
15 photos that were retrieved were from -- were
16 confiscated when he was arrested in western North
17 Carolina.

18 And so I called them immediately to
19 tell them that that was inaccurate information and
20 had not been the case. They redacted it
21 immediately, but they did not specifically say that
22 they redacted it because we called and told them to.

23 Q. Okay. You never reviewed the
24 digital evidence that was in the Johnson City's --
25 that they had in custody as a result of the [REDACTED]

1 [REDACTED] fall, right?

2 A. I have never seen that.

3 Q. Okay. And that was what we went
4 through with the search warrant that had remained
5 with Johnson City since her fall, and it had not
6 been reviewed.

7 A. Correct.

8 Q. Okay. So sitting here today, you
9 have no basis upon which to state whether or not
10 some of those files were the same as what the FBI
11 recovered when they got the information in 2023 when
12 he was apprehended.

13 MS. TAYLOR: Object to the form.

14 Q. (BY MS. COLLINS) I think I gave the
15 wrong year, but when he was apprehended in North
16 Carolina.

17 MS. TAYLOR: Object to the form.

18 A. I would ask if I could take a
19 break.

20 Q. (BY MS. COLLINS) You can't take a
21 break in the middle of a question.

22 A. Okay. Can you ask the question
23 again, because I'm confused about your question?

24 Q. Okay. When you issued this
25 statement to the press, you didn't know what was

1 actually on the files that had been in Johnson
2 City's custody since the [REDACTED] fall, did
3 you?

4 A. No.

5 Q. And some of that same digital
6 evidence could have been on the thumb drives that
7 was recovered -- or the evidence that was recovered
8 when he was apprehended in North Carolina, correct?

9 MS. TAYLOR: Objection to form.

10 A. To my knowledge, there's been no
11 evidence of what was found in the Johnson City
12 when -- in the [REDACTED] -- when we confiscated
13 that information.

14 Q. (BY MS. COLLINS) Right. You don't
15 know what was on that because it was never looked
16 at, correct?

17 A. I don't and, to my knowledge, WJHL
18 didn't either.

19 Q. Then what was your basis for saying
20 it was false?

21 MS. TAYLOR: Object to the form.

22 A. The information that was provided
23 stated that it was -- that was provided -- and all
24 of the information we had was that the information
25 was obtained through the D.A. was from the files

1 that were confiscated when he was arrested in
2 Western Carolina University -- at Western Carolina
3 University.

4 MS. TAYLOR: Let's take a break.

5 MS. COLLINS: Okay.

6 VIDEOGRAPHER: Going off the record
7 at 4:22.

8 (Off the record at 4:22 p.m.)

9 (On the record at 4:39 p.m.)

10 VIDEOGRAPHER: Okay. We're back on
11 the record at 4:39.

12 BY MS. COLLINS:

13 Q. Ms. Ball, when did you first meet
14 Detective Sparks?

15 A. The first time I recall meeting
16 Detective Sparks, to know him personally, was after
17 the lawsuit was filed.

18 Q. After which lawsuit was filed?

19 A. The Doe lawsuit.

20 Q. Okay. What do you mean by to know
21 him personally?

22 A. I had met many officers. We have
23 150 some, but I could not recall them by name. But
24 I'd been in a lot of meetings with different folks,
25 but I did not individually or personally know

1 people, and I had not yet had that opportunity to be
2 able to meet with him.

3 Q. Okay. And you said that you met
4 him and got to know him personally after this
5 lawsuit was filed.

6 A. And I should say professionally. I
7 don't know that I've ever personally -- never had
8 any dealings with him personally, but through his
9 work.

10 Q. All right. After the lawsuit was
11 filed and you said you got to know him through his
12 work, did you talk with him?

13 A. Yes, ma'am.

14 Q. Okay. About what?

15 A. I met with him to inform him about
16 the lawsuit and provide him a copy of the lawsuit
17 and to be able to make him aware that we were going
18 to do an internal -- we were going to open an
19 internal investigation.

20 Q. An internal affairs investigation?

21 A. Yes, ma'am.

22 Q. Okay. And that's the one that's
23 still open?

24 A. Yes, ma'am.

25 Q. When you met with him, was anyone

1 else present?

2 A. Yes, ma'am.

3 Q. Who?

4 A. Chief of Police Billy Church,
5 Deputy Chief Jenkins, [REDACTED], and Major
6 Carrier. I believe all four were present, and I
7 think also our staff attorney, Blake Watson. That's
8 the best of my recollection.

9 Q. Okay. Have you been in touch with
10 Detective Sparks since that initial meeting?

11 MS. TAYLOR: Object to the form.

12 A. I have talked to him. I've checked
13 on him. I've met his wife. I've brought bagels
14 into the department. I went and worked with the
15 police department on a case that they did, a murder
16 case, and he was working on that case as well. So
17 during the course of my job, I had interactions with
18 Investigator Sparks.

19 Q. (BY MS. COLLINS) And when you say
20 you've checked on him, what do you mean by that?

21 A. I've checked on his welfare, on his
22 well-being, to see how he's doing.

23 Q. And what was the situation where
24 you met his wife?

25 A. I was at our clinic. We have a

1 City clinic. I was walking out of it, and she was
2 behind me, and she called my name and said that -- I
3 didn't know who she was, but I talked to her there.
4 And she was emotional and had -- I was able to talk
5 to her, and she appreciated the level of support
6 that had been provided.

7 Q. Okay. Do you have occasion to text
8 with him?

9 A. I have before.

10 Q. About what?

11 A. Checking on his well-being, making
12 sure he's okay. He's lost a considerable amount of
13 weight, and I just wanted to make sure that he
14 wasn't in a situation where there was some state of
15 mental well-being on his behalf.

16 MS. COLLINS: Okay. I'll mark the
17 next document as Exhibit No. --

18 COURT REPORTER: 62.

19 MS. COLLINS: -- 62. And this is
20 SPARKS 42.

21 (Exhibit 62 marked).

22 Q. (BY MS. COLLINS) Have you seen
23 these texts before?

24 A. I don't know if you know the date
25 of the first one.

1 Do you have a date on that one?

2 Q. I do not.

3 A. I'm struggling with the first one,
4 because I'm just not recalling it and the context.
5 I'm not debating it. I just don't know the date
6 or -- and the part at the top, it doesn't make sense
7 to me that I would send a text -- I would never text
8 the whole department. So I'm just having trouble
9 understanding that text.

10 Q. Okay. All right. So you don't
11 recall when the one on the first page was sent.

12 A. I don't.

13 Q. Okay. If you could turn to the
14 second page, this one has a date of December 19th
15 and December 27th. It looks like you sent the one
16 that says, "Checking on you to see how you're
17 doing."

18 Does that sound right?

19 A. Yeah.

20 Q. Okay. And he said, "Just stressed
21 out and hoping I did good."

22 What does that refer to, "hoping I
23 did good"? Do you know?

24 A. I -- so why do you think that mine
25 is the first one? Is that the way that you have it

1 recorded? Because I'm -- I just want to make sure
2 if you're saying that --

3 Q. Well, if you look at the one on
4 December 27th, it says, "Toma, please let me know if
5 there's anything I can do."

6 MS. TAYLOR: She's talking about
7 this page. See?

8 THE WITNESS: I don't think she is.
9 She's talking about the second page.

10 Q. (BY MS. COLLINS) Page 43.

11 A. Yeah. I understand your logic now.

12 Q. Okay. So on December 19th, what
13 did he do good at?

14 A. I'm not sure. The only thing I can
15 think of is maybe that's when he did his deposition
16 for the Dahl case, but I'm guessing at that.

17 Q. Okay. And you asked for a minute
18 for a call.

19 Do you recall if you talked to him?

20 A. I don't recall. I mean, it seems
21 like I logically would have if he said yes.

22 Q. What exhibit number was that?

23 A. 62.

24 MS. COLLINS: All right. I'm going
25 to mark the next document as Exhibit 63, and

1 this is SPARKS 4 through 5.

2 (Exhibit 63 marked).

3 Q. (BY MS. COLLINS) And at the top of
4 the page on Page 5, which is the second page of the
5 document, it looks to be a text conversation between
6 you and Detective Sparks.

7 Does that look familiar at all?

8 A. It's in a different format.

9 Is that what you're asking me?

10 Does it look --

11 Q. Does this text thread look familiar
12 to you?

13 A. It doesn't look unfamiliar, but I
14 don't recall it specifically.

15 Q. Okay. What do you mean, "it
16 doesn't look unfamiliar"?

17 A. I -- my leadership style is that I
18 will check on people that I have concerns about or
19 I'm concerned about their well-being. And I have
20 reason to be very worried about Toma Sparks, and it
21 is not unreasonable for me to read this and think
22 that I would have sent it.

23 Q. Okay. All right. This number
24 that's on here, is that your personal number or your
25 work number?

1 A. My work number.

2 Q. Okay. And this is the one that you
3 sent from your -- you have both of them on your
4 phone.

5 A. Yes, ma'am.

6 Q. Okay. Do you know what your Apple
7 ID is?

8 MS. TAYLOR: Object to the form.

9 Q. (BY MS. COLLINS) Okay. What's your
10 Apple ID?

11 A. It is Cathy, with a C, Ball --

12 MR. LAKEY: Can we go attorney's
13 eyes only on this, if we're going to do
14 this?

15 MS. TAYLOR: Sure.

16 MR. RADER: So can everyone leave
17 the room?

18 MS. COLLINS: Sure. Let's go off
19 the record. Off the record.

20 VIDEOGRAPHER: Going off the record
21 at 4:53.

22 (Off the record at 4:53 p.m.)

23 (On the record at 4:53 p.m.)

24 VIDEOGRAPHER: Okay. We are back
25 on the record at 4:53.

1 BY MS. COLLINS:

2 Q. What is your Apple ID?

3 A. [REDACTED]. That's off
4 the record.

5 MS. TAYLOR: Are you going to ask
6 her any other like sensitive personal
7 information? I mean, if we need to go
8 attorney's eyes only again, we can, but
9 might as well do it while we --

10 MS. COLLINS: Go back off the
11 record.

12 MR. LAKEY: Well, we have a
13 question.

14 MS. TAYLOR: Yeah, it's a question.

15 MS. COLLINS: Okay.

16 MS. TAYLOR: Well, she was looking
17 through --

18 MS. COLLINS: We'll go back off the
19 record.

20 VIDEOGRAPHER: Going off the record
21 at 4:54.

22 (Off the record at 4:54 p.m.)

23 (On the record at 4:59 p.m.)

24 VIDEOGRAPHER: We're back on the
25 record at 4:59.

1 BY MS. COLLINS:

2 Q. Okay. Ms. Ball, at one of the
3 press conferences you mentioned you had a daughter,
4 but when I was asking you about family in the area
5 you didn't mention her.

6 Is she under the age of 18?

7 A. Yes.

8 Q. Okay. How old is she?

9 A. 17.

10 Q. Okay. Does she live in the area?

11 A. She lives in Asheville.

12 Q. Okay. Does she have any plans to
13 move back to the Greenville/Johnson City area?

14 MS. TAYLOR: Object to the form.

15 A. It depends on where she goes to
16 college.

17 Q. (BY MS. COLLINS) Okay. Is she
18 looking at ETSU?

19 A. She's looking everywhere right now.

20 Q. Okay. Good for her.

21 MS. COLLINS: All right. Let's go
22 back off the record.

23 VIDEOGRAPHER: Okay. Going off the
24 record at 4:59.

25 (Off the record at 4:59 p.m.)

1 (On the record at 5:01 p.m.)

2 VIDEOGRAPHER: We're back on the
3 record at 5:01.

4 MS. COLLINS: I'm going to mark the
5 next document as Exhibit No. 64. It's
6 CITY-73481.

7 (Exhibit 64 marked).

8 BY MS. COLLINS:

9 Q. Okay. Have you seen this email
10 before?

11 A. Yes, ma'am.

12 Q. All right. It looks like you sent
13 an email to General Finney on December 11th.

14 Do you recall what allegation you
15 were discussing?

16 A. I was sending him our response to
17 the Second Amended Complaint from the Doe case
18 and -- or excuse me. I don't recall if I was
19 sending him our Amended Complaint. I was sending
20 him the Second Amended Complaint that was filed by
21 the Does.

22 Q. Okay.

23 A. And it mentioned his name. And as
24 a professional courtesy, I was providing it to him.

25 Q. Okay. And when you reference in

1 this email that -- Page 37. You talked about on a
2 phone call on Page 37.

3 Was that an allegation about both
4 of you, or did that page contain allegations about
5 both of you?

6 A. I would have to see, if I could,
7 the Amended Complaint, because I don't -- I don't
8 recall right now what Page 37 was.

9 Q. Okay. Do you recall what you
10 talked about on the phone call?

11 A. I was giving him a heads up that it
12 was included in the filing.

13 Q. That what was included in the
14 filing?

15 A. I would have to look at the filing
16 in order to recall my memory on that. Excuse me.

17 Q. Do you recall that it was about --
18 that there were allegations on Page 37 that had to
19 do with both of you?

20 MS. TAYLOR: Object to the form.

21 A. I don't.

22 Q. (BY MS. COLLINS) At this time, did
23 you talk to him about any discovery or production of
24 documents in the case?

25 A. No.

1 MS. COLLINS: I'll mark the next
2 document is Exhibit 65. This is CITY-73263.

3 COURT REPORTER: Exhibit 65.

4 (Exhibit 65 marked).

5 Q. (BY MS. COLLINS) Okay. With
6 respect to this letter, was it your understanding
7 that -- that all of the cases, the sexual assault
8 cases, were still being investigated and were active
9 at that time?

10 A. Which sexual assault cases are you
11 referring to?

12 Q. The ones alleged in the Doe
13 lawsuit.

14 A. Yes.

15 Q. Okay. And the fact that they were
16 still active, did that have anything to do with
17 whether or not the City could provide that
18 information, considering they were active
19 investigations?

20 MS. TAYLOR: Object to the form of
21 the question.

22 A. I would say the ability to provide
23 records is a legal question that I'm not able to
24 answer.

25 Q. (BY MS. COLLINS) Did District

1 Attorney Finney instruct the City not to produce any
2 documents that had to do with the Jane Does in this
3 lawsuit whose cases were being investigated?

4 MS. TAYLOR: Object to the form.

5 A. Can you repeat the question?

6 Q. (BY MS. COLLINS) To your knowledge,
7 did District Attorney General Finney instruct the
8 City not to provide documents that had to do with
9 the Jane Does in this case who had cases that were
10 actively being investigated?

11 MS. TAYLOR: Object to the form.

12 A. To my knowledge, he -- we directed
13 any media or any inquiries to him because he was
14 investigating them. But I'm not aware that he
15 directed us in any way not to release them. We
16 would have known not to do that.

17 Q. (BY MS. COLLINS) What about
18 providing them in discovery in this lawsuit to the
19 plaintiffs?

20 MS. TAYLOR: Object to the form.

21 Q. (BY MS. COLLINS) Did he have any
22 say over that?

23 A. Not to my knowledge. I wasn't a
24 part of those conversations.

25 MS. COLLINS: I'm going to mark the

1 next document as Exhibit No. 66. It's
2 CITY-73260.

3 (Exhibit 66 marked).

4 Q. (BY MS. COLLINS) Do you recall what
5 you discussed with Steve Finney about on March 18th?

6 A. I do.

7 Q. Okay. What?

8 A. I mentioned earlier that we were in
9 the process of helping fund a position for a
10 forensic -- for a forensic interviewer for the Child
11 Advocacy Center. As part of that, the money had
12 been funded, but it required that a Memorandum of
13 Understanding be developed between the City and the
14 Child Advocacy Center. There had been some
15 discussion in a meeting about how that money would
16 be allocated. There was a disagreement, or at least
17 a conversation, from their Executive Director that
18 they would prefer that it go in a different
19 direction.

20 I was going to send him the
21 memorandum, the draft Memorandum of Understanding
22 for his review, and I wanted him to know that it was
23 coming his way, and that they had asked to get it
24 back so that it could be executed.

25 Q. Okay. Did you take any notes from

1 that meeting?

2 A. I did not.

3 Q. Do you know or do you have any sort
4 of -- do you have any regular meeting or discussions
5 with Inspector Finney?

6 MS. TAYLOR: Objection to form.

7 MS. COLLINS: Not Inspector. I'm
8 sorry. It's the end of the day. I'm tired.
9 General.

10 Q. (BY MS. COLLINS) Do you have any
11 sort of regular meeting with General Finney?

12 A. No, ma'am.

13 Q. Okay. About how many times have
14 you spoken with him? Is it a regular occurrence or
15 what?

16 MS. TAYLOR: Object to the form.

17 A. I would say I've either met or
18 spoke to him around 10 times. 10, that's
19 ballpark-ish.

20 Q. (BY MS. COLLINS) Okay. Of those
21 discussions, have any of them been about this case?

22 A. They've been about Sean Williams.

23 Q. Okay. Have we already discussed
24 the ones that -- where you met with him and
25 discussed Sean Williams?

1 I know we went through the letter
2 that he sent, and it pretty much encapsulated the
3 discussion that you all had.

4 Anything else that we haven't
5 already discussed that had to do with Sean Williams
6 or the allegations in this case?

7 A. Not that I can recall. If there's
8 anything else, I would have minutes that have been
9 produced and given to you, but not that I can recall
10 right now.

11 Q. All right. Ms. Ball, do you recall
12 giving a press conference about this case?

13 A. Yes, ma'am.

14 Q. Okay. Why did you do that?

15 A. The City was preparing and had
16 filed a response the day that the news -- the media
17 release was done.

18 Q. Okay. What media release are you
19 talking about?

20 A. The one that you asked me about.
21 "Do you remember speaking to the media?"

22 Q. Well, luckily I don't have to
23 answer questions today.

24 The -- I'm talking about giving a
25 press conference after the Jane Does filed their

lawsuit and the Second -- in the Second Amended Complaint.

No. Strike that.

After the Jane Does filed their lawsuit, do you recall giving a press conference about the Jane Doe lawsuit?

A. Yes.

Q. Okay.

A. On August 25th, 2023.

Q. And you stated that the Does were to some degree at fault for their rapes because they consumed and partook of illegal drugs during the course of that time period and visit.

What did you mean by that?

A. Do you have a copy of that for me to be able to look at?

MS. COLLINS: Sure. I have a transcript of it. We'll mark it as Exhibit No. 67.

(Exhibit 67 marked).

A. And which page are you referring to, ma'am?

And I should be -- I should speak louder. I'm sorry. I asked her which page she was referring to.

1 Q. (BY MS. COLLINS) And it's on
2 Page 6.

3 A. And which -- can you tell me where
4 you're referring to in the document?

5 Q. Line 4 through Line 9 and into Line
6 11.

7 MS. TAYLOR: Can you refer us to a
8 page?

9 MS. COLLINS: Sure. 6.

10 MS. TAYLOR: 6.

11 A. I say within the lawsuit, the Jane
12 Doe -- the Jane Doe lawsuit, as we refer to it,
13 there are allegations that are made by Jane Does.
14 And in that factual information that they provided,
15 it indicated that they consumed and partake --
16 partook of illegal drugs during the course of the
17 time period within that visit. And that is
18 contained within the information they provided in
19 the lawsuit, meaning the Does.

20 Is that what you're asking me?

21 Q. (BY MS. COLLINS) Yes.

22 Now, what did you base your
23 statement on that they were comparatively at fault?

24 A. The attorneys filed a response to
25 the lawsuit, as well as I read the entire lawsuit.

1 Q. Okay. Why was it necessary to call
2 a press conference about this?

3 A. As I mentioned, part of my ethical
4 responsibility is to inform the public when
5 information is provided.

6 I had the intentions of really
7 making sure that there was a difference between a
8 civil lawsuit and the allegations that -- or the
9 response the City provided within the civil
10 litigation was very different than how our criminal
11 system handled them.

12 My intent was to make sure that
13 victims of sexual assault felt comfortable and
14 understood that the difference between those two and
15 in two different cases -- two different times within
16 it, I repeated that in no case under criminal law is
17 it okay for a victim to be raped.

18 Q. Okay. So you're excusing it based
19 on the fact that it's a civil lawsuit, is that what
20 you're saying?

21 MS. TAYLOR: Object to the form of
22 the question.

23 A. No.

24 Q. (BY MS. COLLINS) Okay. Then why
25 did you do it?

1 MS. TAYLOR: Object to the form of
2 the question.

3 A. Why did I do what?

4 Q. (BY MS. COLLINS) Say that they were
5 comparatively at fault.

6 MS. TAYLOR: Object to the form of
7 the question.

8 A. I did not say that. The response
9 to the lawsuit said that.

10 Q. (BY MS. COLLINS) Okay. But you got
11 up and held a press conference about it, right?

12 A. I did not hold a press conference
13 about that.

14 Q. Well, that's what this transcript
15 is from.

16 You did have a press conference to
17 explain that, right?

18 MS. TAYLOR: Object to the form of
19 the question.

20 Q. (BY MS. TAYLOR) That that defense
21 was being asserted.

22 MS. TAYLOR: Object to the form of
23 the question.

24 Q. (BY MS. COLLINS) Isn't that true?

25 You stood up there and said that

1 they were comparatively at fault.

2 MS. TAYLOR: Object to the form of
3 the question.

4 A. That was not the purpose of the
5 lawsuit or the intent --

6 Q. (BY MS. COLLINS) Okay.

7 A. -- of the press conference. Excuse
8 me.

9 Q. And their civil lawsuit was a
10 lawsuit brought against the City because the
11 plaintiffs alleged that the City didn't take steps
12 to protect them, right?

13 MS. TAYLOR: Object to the form of
14 the question.

15 A. My understanding is that that was
16 their -- that they -- what they alleged.

17 Q. (BY MS. COLLINS) Okay. And you
18 agree that people have a right to file a civil
19 lawsuit if they feel like their civil or
20 constitutional rights have been violated, correct?

21 MS. TAYLOR: Object to the form.

22 MR. RADER: Object to the form of
23 that one, especially.

24 A. I don't know that I know enough
25 about the law, to be honest with you, as to when

1 somebody has the right to do that and when they
2 don't.

3 What I -- I was actually attempting
4 to soften the blow of it coming out in the lawsuit,
5 in the response to the lawsuit.

6 Q. (BY MS. COLLINS) You were softening
7 the blow by getting up there and -- and saying that
8 because they partook of illegal drugs that the City
9 was using a defense of comparative fault?

10 MS. TAYLOR: Object to the form of
11 the question.

12 A. I was saying that was included
13 within our response.

14 Q. (BY MS. COLLINS) How does that
15 encourage other victims to come forward if JCPD
16 mishandles their cases?

17 MS. TAYLOR: Object to the form of
18 the question.

19 A. The intent was to separate the
20 difference between a civil lawsuit versus a criminal
21 lawsuit.

22 Q. (BY MS. COLLINS) Well, at this
23 point in time, you knew that JCPD had gotten
24 evidence from Sean Williams' apartment back in 2020,
25 correct?

1 MS. TAYLOR: Object to the form of
2 the question.

3 A. I did.

4 Q. (BY MS. COLLINS) At this point in
5 time, when you gave the press conference, you knew
6 that multiple women had made allegations of rape
7 against Sean Williams, correct?

8 MS. TAYLOR: Object to the form of
9 the question.

10 A. I knew -- I knew multiple women --
11 I'm sorry. I knew that there was a lawsuit that
12 alleged --

13 Q. (BY MS. COLLINS) When you gave the
14 press conference, you knew that multiple women --

15 MS. TAYLOR: Let her answer.

16 MR. RADER: Object --

17 MS. TAYLOR: Let her answer.

18 Q. (BY MS. COLLINS) You knew that
19 multiple women had alleged they had been raped by
20 Sean Williams.

21 MS. TAYLOR: I'm going to direct
22 the witness to answer the last question.

23 Will you read back the last
24 question that she was interrupted in her
25 answer on?

1 MS. COLLINS: It's the same thing I
2 just said.

3 COURT REPORTER: At this point in
4 time, when you gave the press conference,
5 you knew that multiple women had made
6 allegations of rape against Sean Williams,
7 correct?

8 A. We had three to four reports
9 reported to the Johnson City Police Department.

10 Q. (BY MS. COLLINS) Okay. And none of
11 those three to four reports had been fully
12 investigated, had they?

13 MS. TAYLOR: Object to the form
14 question.

15 A. I don't have the answer to that
16 question.

17 Q. (BY MS. COLLINS) Okay. And at this
18 point in time, when you gave this press conference,
19 the City also had the Daigle report in its hands,
20 right?

21 A. Yes, ma'am.

22 Q. And the City also knew the extent
23 of the failures that it had, based on the Daigle
24 report, that claims of sexual assault had not been
25 properly investigated, right?

1 MS. TAYLOR: Object to the form of
2 the question.

3 A. I knew there was opportunity for
4 improvement in the way that the City handled sexual
5 assault claims.

6 Q. (BY MS. COLLINS) And you also knew
7 at this time, based on the Daigle report, that
8 victims were not listened to and it was because of
9 bias against them, right?

10 MS. TAYLOR: Object to the form of
11 the question.

12 A. I did not know that.

13 Q. (BY MS. COLLINS) Okay. All the
14 things that are listed in the Daigle report you had
15 in your possession, correct?

16 A. Correct.

17 MS. TAYLOR: Object to the form.

18 Q. (BY MS. COLLINS) And he
19 specifically raised the issue with the City that it
20 had a problem with bias and the reason why sexual
21 assault investigations were not properly
22 investigated, right?

23 MS. TAYLOR: Object to the form of
24 the question.

25 A. That was his opinion.

1 Q. (BY MS. COLLINS) And he's the
2 person that the City hired to get it on a better
3 track with respect to sexual assault investigations,
4 correct?

5 A. That's correct.

6 MS. TAYLOR: Object to the form of
7 the question.

8 Q. (BY MS. COLLINS) And despite
9 knowing that Sean Williams had raped multiple women
10 in the City and that he had been arrested and found
11 with videos and pictures of those sexual assaults in
12 North Carolina, despite knowing that things sat in a
13 vault at the JCPD, despite knowing that there was a
14 raped list that the JCPD had been in possession of,
15 and despite having its own expert report saying that
16 they had not done a good job with respect to sexual
17 assault investigations, you still got up at a podium
18 and blamed the victims in this case because they
19 filed a lawsuit.

20 MS. TAYLOR: Object to the form of
21 the question.

22 A. I did not blame the victims.

23 Q. (BY MS. COLLINS) Isn't that what
24 you said, because they took partook of illegal drugs
25 and alcohol that the City was -- because the City

1 was raising a comparative fault defense, that's
2 blaming them.

3 MS. TAYLOR: Object to the form of
4 the question.

5 A. I did not blame the victims.

6 Q. (BY MS. COLLINS) If they feel
7 differently, do you have any basis to contest that?

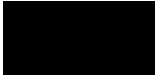
8 MS. TAYLOR: Object to the form of
9 the question.

10 A. I am sorry if that hurt them. I
11 would never do that, and that was not the intent,
12 and I never said that they were at fault for being
13 raped.

14 Q. (BY MS. COLLINS) Do you think that
15 the people that -- the women that reported their
16 claims to the JCPD deserved to have their cases
17 investigated?

18 MS. TAYLOR: Object to the form of
19 the question.

20 A. I believe they had their cases
21 investigated.

22 Q. (BY MS. COLLINS) What about 
23 rape kit?

24 MS. TAYLOR: Object to the form of
25 the question.

1 A. I don't think it is appropriate for
2 me to respond to something I heard in deposition,
3 and so I feel at this point in time, I am very
4 reluctant to speak to what I believe that I heard in
5 deposition about that rape kit.

6 Q. (BY MS. COLLINS) Well, you're the
7 City Manager, right?

8 You have the authority to hire and
9 fire people who aren't doing their job, right?

10 MS. TAYLOR: Object to the form of
11 the question. This is argumentative, has
12 been for quite a while.

13 Q. (BY MS. COLLINS) You have the
14 authority to hire and fire people who aren't doing
15 their job.

16 A. Based on what I heard, the rape kit
17 was tested and her number had been changed, and they
18 tried to reach her. That is what I thought I heard.
19 I very much want the facts of this case to come out.

20 Q. Was it compared to Sean Williams?

21 MS. TAYLOR: Object to the form of
22 the question.

23 Q. (BY MS. COLLINS) Her rape kit, when
24 her rape kit was done, was it compared with any DNA
25 evidence from Sean Williams?

1 A. I don't know the answer to that.

2 Q. If I told you that DNA evidence
3 wasn't gotten from Sean Williams until 2023 when he
4 was arrested in North Carolina, would that seem
5 pretty egregious to you?

6 MS. TAYLOR: Object to the form of
7 the question.

8 A. If that were true, it would be.

9 Q. (BY MS. COLLINS) Do you know that
10 it's not true?

11 MS. TAYLOR: Object to form of the
12 question.

13 A. I don't.

14 Q. (BY MS. COLLINS) Do you agree that
15 the victims in this case have a right to pursue
16 accountability for letting a person with a raped
17 list continue to roam free for years?

18 MS. TAYLOR: Object to the form of
19 the question.

20 A. Can you repeat the question,
21 please?

22 MS. COLLINS: Can you repeat the
23 question, please?

24 COURT REPORTER: Do you agree that
25 the victims in this case have a right to

1 pursue accountability for letting a person
2 with a raped list continue to roam free for
3 years?

4 MS. TAYLOR: Same objection.

5 A. I have no reference to answer that
6 question. I don't fully understand the question,
7 and I don't understand how it relates to this
8 lawsuit. I feel like asking me to answer it means
9 that there are facts out there that indicate that
10 there was some accountability on the part that I'm
11 not able to speak to.

12 Q. (BY MS. COLLINS) Who told you to
13 have that press conference?

14 A. No one.

15 Q. That was your decision?

16 A. Yes, ma'am.

17 Q. Who told you to say that -- to
18 discuss that the plaintiffs were comparatively at
19 fault?

20 MS. TAYLOR: Objection to form.

21 A. I was not saying that they were. I
22 was saying that it was included in the response.

23 Q. (BY MS. COLLINS) Why did you single
24 that out from the response?

25 MS. TAYLOR: Object to the form.

1 A. My goal was to explain that because
2 that was filed in the report, in anticipation of it
3 being released to the media, I still wanted to
4 encourage women that in a criminal case, the Johnson
5 City Police Department as well as -- if they did not
6 feel comfortable coming to them that they would come
7 to somebody else, and that it would not hit the
8 media in a way that would discourage women from
9 coming forward when they were raped.

10 Q. (BY MS. COLLINS) So by highlighting
11 this one issue that they were comparatively at
12 fault, you were trying to encourage other women to
13 come forward? Is that what you're saying?

14 MS. TAYLOR: Object to the form of
15 the question.

16 A. I was anticipating the headlines to
17 read City Blames Women, and I was trying to provide
18 some context prior to that being a headline to a
19 story so that women would not feel like the City was
20 blaming them. That was my goal.

21 Q. (BY MS. COLLINS) Do you think you
22 achieved your goal?

23 MS. TAYLOR: Objection to the form
24 of the question.

25 A. Based on hearing from Jane Does, I

1 don't. And I'm very sorry for that.

2 Q. (BY MS. COLLINS) Now, if you could
3 turn to Page 13 of the -- it looks like a
4 question -- somebody posed a question that asked you
5 to speak to when you found out what's allegedly on
6 the thumb drives that North Carolina recovered with
7 potentially 52 different women that have been
8 victims, and they asked for your thoughts in
9 discovering that.

10 Do you remember that question?

11 A. Will you show me which sentence
12 you're referring to?

13 Q. Sure. It starts on -- Line 9 was
14 the question.

15 A. Yes, ma'am.

16 Q. And then your response is on 15
17 through 25.

18 Just let me know when you've had a
19 moment to review that.

20 A. Yes, ma'am.

21 Q. Okay. And you acknowledge that
22 you've not done a good job of educating the public
23 on how you get probable cause.

24 Do you know how you get probable
25 cause?

1 MS. TAYLOR: Object to the form of
2 the question.

3 A. I could not speak to that, as I'm
4 not an expert in that area.

5 Q. (BY MS. COLLINS) Okay. What were
6 you talking about there when you say, "We've not
7 done a great job of educating the public about
8 probable cause"?

9 A. I would say that the general public
10 does not understand, as well as myself, when there
11 is the ability to be able to -- and, for example,
12 when you have the right to seize property, when you
13 have the right to arrest someone, when you have the
14 right to search someone, that what may seem
15 reasonable to the general public may not legally be
16 allowed. So I was referring to the fact that,
17 generally speaking, a lot of folks, unless
18 they're --

19 Q. Go ahead. I'm listening.

20 A. Unless they're knowledgeable about
21 what rights people have, and unfortunately even
22 sometimes really bad people have, that there hasn't
23 been a lot of education around that. So it was an
24 attempt to say that sometimes we don't fully
25 understand why information can't be taken or can't

1 be used in a case.

2 Q. What information are you talking
3 about?

4 A. If I recall correctly, there were a
5 lot of -- there were questions about the computers
6 that were taken from Sean Williams after [REDACTED]
7 [REDACTED] fell out the door -- or the window. Excuse
8 me.

9 Q. Okay. And why those devices were
10 not searched at that time, correct?

11 A. Yeah.

12 Q. Okay. And were you aware that at
13 that time they also recovered the raped list?

14 MS. TAYLOR: Object to the form of
15 the question.

16 A. I generally recall that.

17 Q. (BY MS. COLLINS) Okay. So in
18 addition to being in possession of all of this
19 electronic evidence that wasn't looked at, the JCPD
20 was also in possession of a raped list --

21 MS. TAYLOR: Object to the form of
22 the question.

23 Q. (BY MS. COLLINS) -- correct?

24 A. A raped list, when you say that,
25 are you -- you're referring to --

1 Q. A list that has people's names on
2 it. The word raped at the top.

3 A. Yes ma'am.

4 Q. Okay. So the JCPD was in
5 possession of that at that same time.

6 MS. TAYLOR: Object to the form of
7 the question.

8 A. Yes, ma'am.

9 Q. (BY MS. COLLINS) Okay. So there
10 really was no excuse for those devices not to have
11 been searched at that time, was there?

12 MS. COLLINS: Object to the form of
13 the question.

14 A. I have no ability to answer that
15 question. I was not here at the time, nor do I
16 understand the laws associated with it.

17 Q. (BY MS. COLLINS) Who was your
18 realtor when you were looking to buy Sean Williams'
19 condominium?

20 A. Shannon Castillo.

21 Q. When did you begin negotiating that
22 contract?

23 A. The beginning of April 2022.

24 Q. Do you have any records of that
25 contract?

1 A. Yes, ma'am.

2 Q. Okay. Where are they?

3 A. They're in my office.

4 Q. Why did you need a lawyer for that
5 deal?

6 A. Why did I need a lawyer to buy real
7 estate? Is that your question?

8 Q. Yes.

9 A. I always use a lawyer to buy real
10 estate.

11 Q. Do you own a lot of real estate?

12 A. I own two homes.

13 Q. What happened to the deposit, or
14 did you make a deposit?

15 A. It was held in escrow by the
16 attorney and returned to me.

17 Q. What basis did you have to pull out
18 of the contract?

19 A. The fact that the seller was a
20 fugitive, and it was not questioned.

21 Q. Okay. Where is your other home?

22 A. Asheville, North Carolina.

23 Q. Who lives there?

24 A. My husband and my daughter.

25 Q. Okay. What's your husband's name?

1 A. [REDACTED].

2 Q. What's the address?

3 A. [REDACTED]

4 [REDACTED].

5 MS. COLLINS: Okay. Let's go off
6 the record. I just need to review my notes.

7 VIDEOGRAPHER: Going off the record
8 at 5:38.

9 (Off the record at 5:38 p.m.)

10 (On the record at 5:54 p.m.)

11 VIDEOGRAPHER: We're back on the
12 record at 5:54.

13 BY MS. COLLINS:

14 Q. Earlier I asked you if you dealt
15 with Tessier & Associates in your prior role as
16 Assistant City Manager in Asheville.

17 Who did you deal with at Tessier?

18 A. Chuck Tessier.

19 Q. Oh, it's Tessier?

20 A. Tessier, yeah.

21 Q. Okay. Chuck.

22 A. His wife owned a company, and also
23 she did some publishing and stuff and did some work
24 for the City.

25 Q. Who was the lawyer that helped you

1 with the sale of your home in Asheville?

2 A. Oh, my goodness. I would have to
3 find that information. That's been a long time ago.

4 Q. Okay. Did Pete Peterson, your
5 predecessor, assist you with any sort of transition
6 when you took over the role as City Manager?

7 A. He did. I met with him several
8 times before I -- I accepted the position in late
9 October. I think that's when the Commission voted
10 on it. And so there was a couple of months that I
11 came over, met with different folks in the
12 organization. So I had about a two-month kind of
13 opportunity to talk to him and to meet with staff
14 before I transitioned into the role.

15 Q. Okay. Were there any discussions
16 with Mr. Peterson about the Kat Dahl case?

17 A. No.

18 Q. Were there any discussions with
19 Mr. Peterson about the police department?

20 A. No.

21 Q. Did you take any notes from your
22 transition conversations with Mr. Peterson?

23 A. I did.

24 Q. Do you still have those notes?

25 A. Yes.

1 Q. Have you given those notes to your
2 attorney?

3 A. I can. None of those notes pertain
4 to anything related to Sean Williams or related to
5 this case, but I'm happy to provide them.

6 Q. Okay. Did you deal with anyone
7 else at Tessier & Associates besides Chuck and his
8 wife?

9 A. Not that I can recall.

10 Q. What was his wife's name?

11 A. Karen.

12 Q. Also Tessier?

13 A. Yes, ma'am.

14 Q. What was the nature of the dealings
15 you had with Tessier & Associates?

16 A. We had -- we had proposed and had a
17 study completed that showed the need for parking
18 downtown, and so we had located a piece of property
19 and were in the -- was in the process of
20 determining -- it was adjacent to the Grove Arcade
21 building that you mentioned before. And so we did
22 design work with a consulting firm. He was a
23 developer. He worked to help acquire the property,
24 because he also worked in a -- as a -- in a real
25 estate kind of capacity, but worked on a

1 redevelopment plan for that area.

2 Q. Which consulting firm are you
3 talking about?

4 A. Kimley-Horn & Associates, I
5 believe. I'm not -- I'm not 100 percent sure, but
6 it's a consulting firm that did parking garages.

7 Q. Do you know the address for the
8 Grove -- for the property that they were working on,
9 rather?

10 A. It's on Haywood Road.

11 Q. Okay.

12 A. Across from the Harris Cherokee
13 Center -- Arena.

14 Excuse me. It's Haywood Street,
15 not Haywood Road.

16 Q. How long have you known Chuck
17 Tessier?

18 A. Probably since the early 2000's.
19 Middle 2000's. I don't recall exactly.

20 Q. Do you still have any contact with
21 him?

22 A. No.

23 Q. And did you meet him through the
24 course of your job duties?

25 A. Yes, ma'am.

1 Q. Okay. Any other projects that you
2 can think of that involved --

3 A. He was a regular developer in town
4 that would meet with me about different projects he
5 was working on, but there was no -- there was never
6 any that developed into the level of detail that
7 that one did.

8 Q. And why was he meeting with you?

9 A. I was in a role of being the City
10 Engineer, and then I also was over our planning and
11 permitting process. So any time there was a meeting
12 that would involve the planning department that was
13 a large scale, what we would consider a
14 transformational project, I would meet with -- I
15 would be a part of those meetings to discuss that.

16 Q. Did you ever work with him or make
17 any money from him?

18 A. No, ma'am.

19 MS. COLLINS: Okay. That's all we
20 have.

21 EXAMINATION

22 BY MR. RADER:

23 Q. I just want to ask you, Ms. Ball
24 briefly, on behalf of my client, when you were asked
25 today by Ms. Collins about these handwritten

1 notebooks that you prepare, it's my understanding --
2 and I want to be sure I'm clear.

3 It's my understanding that you take
4 notes when people are talking as part of your effort
5 to focus and listen; is that correct?

6 A. That's correct.

7 Q. You're not trying to
8 stenographically record everything that happens,
9 like our court reporter here or some of us writing
10 notes down to keep that record.

11 That's not your purpose; is that
12 right?

13 A. Yes, sir.

14 Q. And so when you write things down,
15 it might be comments that people have or words
16 they've made.

17 It's not your conclusions; is that
18 correct?

19 A. That's correct.

20 Q. So there were a couple of comments
21 about my client, Mr. Peters. You did not reach
22 those conclusions and record those in your notebook.

23 Those are just words that somebody
24 might have said to you; is that correct?

25 A. Correct.

1 Q. Okay. Do you have any reason to
2 believe that Mr. Peters was anything other than
3 somebody who wanted to do a good job as a captain in
4 the police department?

5 MS. COLLINS: Objection to form.

6 A. I never personally experienced
7 that.

8 Q. (BY MR. RADER) That he was anything
9 other than wanting to do a good job?

10 A. That's correct.

11 MR. RADER: All right. Thank you,
12 ma'am.

13 MS. COLLINS: Anything else?

14 All right. You're done.

15 THE WITNESS: All right.

16 VIDEOGRAPHER: We're going off the
17 record at 6:02.

18 FURTHER THIS DEPONENT SAITH NOT.

19 (Deposition ended at 6:02 p.m.)
20
21
22
23
24
25

C E R T I F I C A T E

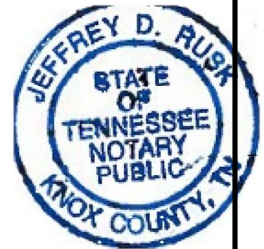
STATE OF TENNESSEE:

COUNTY OF KNOX:

I, Jeffrey D. Rusk, Registered Professional Reporter and Notary Public, do hereby certify that I reported in machine shorthand the foregoing proceedings; that the foregoing pages, inclusive, were prepared by me using computer-aided transcription and constitute a true and accurate record of said proceedings.

I further certify that I am not an attorney or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my hand and official seal
this the 3rd day of June, 2024.



A handwritten signature in blue ink that reads "Jeffrey D. Rusk".

Jeffrey D. Rusk, RPR, CLVS
Notary Public at Large
My Commission Expires: 4/29/2026
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